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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,498

09/29/2003

Nobuya Okayama

500.43150X00

8478

24956 7590 05/01/2007
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SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

05/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,498	Applicant(s) OKAYAMA ET AL.	
	Examiner John M. Winter	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-20 are pending.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

The Examiner acknowledges the Applicants claim to foreign priority under 35 U.S.C 119, claiming the right for priority based on Japanese Patent Application No. 2003-089681

The Applicants arguments filed on February 22, 2007 have been fully considered.

The Applicant states that the prior art reference fails to disclose the amended features of "deleted license corresponding to a license return request; receiving from a user a license return request indicating a request to return a license granted for digital contents selected from said stored digital contents"

The Examiner states that the amended claims are rejected in view of the newly discovered reference Yang et al. (US Patent Application Publication 2002/0169625). See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coley et al. (US Patent 5,790,664) in view of Christiano (US Patent 5,671,412) and further in view of Yang et al. (US Patent Application Publication 2002/0169625).

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As per claim 1,

Coley et al. ('664) discloses a digital contents license and privilege management method for managing licenses and privileges granted for digital contents to users, comprising the steps of:

registering licenses for digital contents requested to be purchased by each user;
registering association of said registered licenses with each user in a database;(Column 14, lines 13-44)

deleting a license from said database;(Column 14, lines 57-67)

specifying a user corresponding to said deleted license;(Column 14, lines 57-67)

associating said specified user with a privilege corresponding to contents of said deleted license or with a privilege corresponding to said license return request for use of the contents which can be recycled. (Column 14, lines 57-67)

Coley et al. ('664) does not explicitly disclose a storing the digital contents having said registered licenses and information concerning said licenses. Christiano discloses storing the digital contents having said registered licenses and information concerning said licenses (Figure 11) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Coley et al. ('664)'s system with Christiano's teaching in order to profile customer usage of licenses.

Coley et al. ('664) does not explicitly disclose said deleted license corresponding to a license return request; receiving from a user a license return request indicating a request to return a license granted for digital contents selected from said stored digital contents. Yang et al. ('625) discloses said deleted license corresponding to a license return request;receiving from a user a license return request indicating a request to return a license granted for digital contents selected from said stored digital contents (Paragraphs 83-84) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Coley et al. ('664)'s system with Yang et al. ('625) 's teaching in order to purge the database of discontinued and expired licences.

Claims 6, 7, 11 and 18 are in parallel with claim 1 and are rejected for at least the same reasons.

As per claim 2,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 1,

further comprising the steps of: processing said request to return a license granted for digital contents as collection or purchase of said license;(Column 14, lines 57-67)

storing information concerning collection or purchase of said license in said database while associating said information with a user corresponding to said license designated by said license return request.(Column 16, lines 20-38)

As per claim 3,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 2,

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further comprising the step of storing a privilege corresponding to said license return request while associating said privilege with said information concerning collection or purchase of said license. (Column 16, lines 20-38)

As per claim 4,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 1,

Official Notice is taken that "privilege corresponding to said license return request is version upgrade of digital contents corresponding to said deleted license" is common and well known in prior art in reference to software distribution. It would have been obvious to one having ordinary skill in the art at the time the invention was made to delete a license record in response to a request for an upgrade because the upgraded software might have a different record structure than the prior version.

Claims 10 and 14 are in parallel with claim 4 and are rejected for at least the same reasons.

As per claim 5,

Coley et al. ('664) discloses a digital contents license and privilege management method according to claim 1,

Official Notice is taken that "privilege is points that can be used for purchase of digital contents" is common and well known in prior art in reference to software distribution. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a point system to promote customer loyalty

Claims 9 and 15 are in parallel with claim 5 and are rejected for at least the same reasons.

As per claim 8,

Coley et al. ('664) discloses a digital contents management apparatus according to claim 6,

further comprising a user management database for managing identification information of the user, the license corresponding to the user and the privilege granted to the user while associating the identification information, the license and the privilege with one another. (Column 14, lines 13-56)

As per claim 12,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 11,

wherein: said license return request to return a license granted for digital contents is for collection or purchase of said license; and said contents management device stores information concerning collection or purchase of said license while said information is associated with a user corresponding to said license designated by said license return request. (Column 14, lines 13-56)

As per claim 13,

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Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

wherein said contents management device stores a privilege corresponding to said license return request while said privilege is associated with said information concerning collection or purchase of said license. (Column 14, lines 13-56)

As per claim 13,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

As per claim 16,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

wherein said contents management device stores information concerning collection or purchase of said license on the basis of transaction information of said license stored in said contents storage device. (Column 14, lines 13-56)

As per claim 17,

Coley et al. ('664) discloses a digital contents license and privilege management system according to claim 12,

wherein said contents management device sends information concerning the status of digital contents designated by said license return request and a privilege corresponding to said license return request to an external device.(Column 14, lines 13-56)

As per claim 19,

Coley et al. ('664) discloses a computer program according to claim 18,
wherein: said license return request is for collection or purchase of said license; and said computer program further comprises the step of storing information concerning collection or purchase of said license while associating said information with a user corresponding to said license designated by said license return request. (Column 14, lines 13-56)

As per claim 20,

Coley et al. ('664) discloses a computer program according to claim 19,
further comprising the step of storing a privilege corresponding to said license return request while associating said privilege with said information concerning collection or purchase of said license.(Column 14, lines 13-56)

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references

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in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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